

Commissioner for Patents
Response dated August 26, 2005
Response to Notice of Non-Compliant Amendment dated July 26, 2005
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Serial No.: 10/790659
Art Unit: 3641
Examiner: Johnson
Docket No. AWJ.5101

REMARKS/ARGUMENTS

In this response to Notice of Non-Compliant Amendment, claim 1 has been revised to include language found in the original claim that was inadvertently deleted in the amendment filed July 13, 2005. The form of amendment presented herein presume that the previously filed non-compliant amendments were not entered (i.e., the amendments reflect changes to the claims as originally filed).

Claims 1-3 were pending and examined. The Examiner rejected claims 1-2 under 35 USC § 112, second paragraph, as being indefinite. The Examiner rejected claim 3 under 35 USC § 102(b) as being anticipated by Mullner (U.S. Patent No. 4,058,924), hereinafter "Mullner". The Examiner rejected claim 3 under 35 USC § 102(b) as being anticipated by Mucha (German Patent No. DE 39 06212 A1), hereinafter "Mucha". The Examiner rejected claim 3 under 35 USC § 102(b) as being anticipated by Wright *et al.* (U.S. Patent No. 2,126,076), hereinafter "Wright". In this response, Applicant has amended claims 1 and 2, canceled claim 3, and added claim 4. Claims 1, 2, and 4 remain pending.

Claim rejections under 35 USC § 112

The Examiner rejected claims 1-2 under Section 112, second paragraph, as being indefinite. In response, Applicant has amended claim 1 to address the antecedent problems noted by the Examiner. Applicant wishes to thank the Examiner for diligently reviewing the claims to identify these antecedent issues.

With respect to the claim language reciting "an upwardly projection actuating portion," Applicant has amended to recite a "finger engageable element" consistent with the terminology in the specification.

With respect to the claim language "means abuttingly interconnecting," Applicant has amended to recite "means for engaging said sear release lever responsive to a pulling movement on said finger engageable element..." Support for this language is found in the specification as filed [See paragraph beginning "Trigger element (5)..."]. Structural elements corresponding to the claimed means for engaging include the sear engagement screw (4) and equivalents.

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With respect to the claimed "stop means" in claim 2, Applicant has amended to recite "means for limiting a pull distance of said trigger element" consistent with the language in the specification. [See paragraph beginning "Adjustment screw (5C)...]. The structural elements corresponding to the limiting means include adjustment screw (5C) and equivalents. Applicant has moved the "through said plate elements" limitation of claim 2 as originally presented into new claim 4. Because claim 1 as amended recites subject matter that is allowable over the prior art, dependent claims 2 and 4 are inherently allowable over the prior art as well. (Any claim depending on a nonobvious independent claim is nonobvious. MPEP 2143.03 *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claim rejections under 35 USC § 102(b)

Applicant's cancellation of claim 3 renders the anticipation rejections moot.

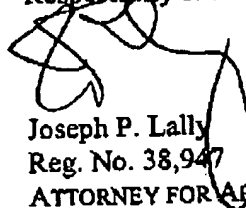
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CONCLUSION

In the present response, Applicant has responded to the Examiner's claim rejections under 35 USC § 112, second paragraph, and 35 USC § 102(b). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,



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